

OXFORD OBSERVER.

"LOVE ALL, DO WRONG TO NONE, BE CHECK'D FOR SILENCE BUT NEVER TAX'D FOR SPEECH." SHAKESPEARE.

VOLUME II.]

PARIS, (ME.) THURSDAY MORNING, JANUARY 12, 1826.

[NUMBER 80.]

THE REFLECTOR.

ADDRESS.

Delivered at the laying of the Corner Stone of the Second Congregational Church, at the corner of Prince and Mercer-streets, New-York, November 21, 1825. By WILLIAM WALKER, Minister of the First Congregational Church.

It is a good custom, that when about to lay the first stone of a building to be dedicated to God and his worship, we assemble together and ask his blessing on the work; and that to those who are standing around we declare the motives by which we are actuated, and explain the principles of that Christian faith in which we commence so interesting a labour.

We begin, then, the building of this house of prayer, that the increasing numbers of those who are believers in the strict unity of God, and lovers of real Christian liberty, may have a convenient place where they may gather themselves together and unite in the solemnities of social worship—where they may pray to the only God through the only Mediator—where they may hear the doctrine of Christ preached, as they think, in its first simplicity, and where they may be built up together in the knowledge and obedience of the truth as it is in Jesus.—With the greater attention that is daily given by Christians of every name to the discovery of truth and the detection of error, and with the increase of our city, it has necessarily happened, that the number of Unitarian believers has greatly multiplied, and that more ample accommodations for religious worship are needed. It is to meet this want, that we have begun to lay the foundation of this house of prayer. When five years ago, the building of the First Congregational Church was commenced in this place, it was little thought that in so short a time the erection of a second would become necessary. But through the blessing of God on the cause of pure Christianity, the most ardent anticipations of those who first entered into this field of honourable labour have been more than answered—and we hope and pray that before an equal period shall have elapsed, through the continued blessing of Heaven, another will have been begun and completed.

To those who stand here, and some of whom may be ignorant of the principles of that Christian faith which we profess, and in behalf of which we begin this church, to them and to all who are here present, I would say, that we lay this stone, this corner stone of a Christian temple, in the firm and happy belief of one God, the Father, almighty, wise, just, good, and merciful—the God of our lives and the God of our salvation. Rejecting, as the inventions of a benighted age of the church, all distinctions of person in the Deity, and all ideas of his character that do not comport with the parental relation which he sustains to his creatures, we here begin a house, where God may be worshipped as the only God, the Father, without equal, without partner, through faith in Jesus Christ, his well-beloved Son, our Saviour and Redeemer. Believing thus, as we think, on most certain warrant of the holy scripture, we lay this corner stone in confidence for the blessing of Almighty God on our undertaking.

We lay this stone—as joyful believers in Jesus Christ, as believers in the divinity of his mission—and in the supreme authority of his doctrine—on the principles which he wrought, by the power of God, in confirmation of truths he uttered—as believers in his prophetic and mediatorial character—that he is the only true prophet of God, that his religion is the only one that has God for its author, and the true happiness of man for its end—that all the commands, precepts, institutions of Jesus, have the force of obligation of divine commands, precepts and institutions—that he is the only appointed medium of approach to God by prayer—that in his name all acceptable worship must be offered up—that the rejection of him is the rejection of God—that they who despise him, despise him who sent him. And we hope that they who believe thus in Christ, will here, long enjoy a holy and happy communion through him with the Father of their spirits—that their faith will here receive new strength—their good principles be confirmed and settled—their virtuous habits established—their devout affections enlivened and purified—that this house will indeed be to them the house of God and the gate of Heaven.

We lay this stone—in a belief of the Christian doctrine of a resurrection from the dead, and of a state of righteous retribution beyond the grave—in the belief that all they, who according to the light they have, lead virtuous and devout lives, shall through the infinite mercy of God, declared in Jesus Christ, be received to eternal life and joy—and that the unjust, all they who despise the riches of the goodness, forbearance and long suffering of God, shall be reserved unto the day of judgment to be punished.

We lay this stone—as believers in the divine authority of the Sacred Scriptures of the Old and New Testament. We believe these books to contain the whole will of God as it was revealed to the Jews by his prophets, and to the world by Jesus Christ his Son. The Bible is the rule of our faith: its chapters and verses are the articles of our creed—the Bible is the rule of our conduct—the Bible is the charter of our immortal hopes. With this volume open in our hands, and reading as we go, we walk fearlessly through the world; sure that it will guide us right in the midst of duty and trial, and lead us at last to the desired haven. We rejoice in our possession of this blessed book—we thank God for its gift—and it is our fervent and constant prayer that the time may soon come, when all men in all parts of the earth shall possess it, understand it, and obey it.

We begin this church as practical believers and defenders of the great Protestant principle of the right of private judgment in matters of faith. We yield up our right to understand and interpret the sacred scriptures for ourselves, and to believe as we see evidence to preponderate this way or that, to no man or number of men, to no Church, or Council, Synod, or Assembly. We think we are answerable to God alone for the faith we adopt, or the faith we reject, and that man has no power to meddle in the case. And we trust that from this place, no man or woman will be denounced for their faith in Christ, but that faith what it may. And ere one such anathema should be uttered within these walls, we pray God that they may be crumble to their foundations.

We build this church in perfect charity, we hope, with Christendom and the world—for we build it as Christians; and Christians should love not only one another, but mankind. We wish indeed that our own peculiar opinions should every where prevail, for we believe them to be the pure, unadulterated truth of God; but we would not make one convert by violence, or the sacrifice of peace. An overbearing zeal has been a principal source of the miseries the Church has endured. Christian sects have been willing to propa-

gate their opinions at any cost from mistaken ideas of their importance. They have forced, not followed Providence. May we avoid their error; and though persuaded that our opinions are true, and important as true, and must ultimately prevail, let us not hasten too fast, but wait the fit occurrence of times and circumstances. God watches over his truth as he does over his maternal creation, and in his own time, and in his own way, will raise it to honour and universal empire.

And now, brethren, I use the words of another on a similar occasion:—Let us depart from this spot—from this moment holy ground, set apart henceforth from ordinary uses, and consecrated to things divine. Where the heavens now swell above us, declaring their Maker's glory, shall soon be interposed a roof of human workmanship, beneath which shall be declared the bright glory of his redeeming love. It shall intercept the light of yonder sun, whose beams shall no more fall upon this place; but the more reviving beams of the sun of righteousness shall rest there without a cloud. The dews of night shall come down upon this spot no more, and the winds of the ocean shall henceforth be excluded; but the dews of divine grace, as we trust, shall plentifully visit it, and the gentle breathings of the Holy Spirit, shall never cease to shed upon it life and peace. And from this place, where now perhaps for the first time the voice of Christian worship has ascended to Heaven, there shall go up generation after generation, to the end of time, incense and a pure offering from multitudes of humble and believing hearts.

THE TRAVELLER.

FROM THE NEW-YORK STEAMSHIP.

CARTER'S LETTERS FROM EUROPE.

Castleton, 27th July, 1825.

I have a long, long story to tell you of the Peak of Derbyshire, and "the seven wonders" it is said to contain. Happy will it be for my readers and myself, if we are not all weary before the tale be done. It shall, however, be despatched as concisely as the variety of objects which have attracted our attention during the last two days will permit.

At 6 o'clock in the morning of the 27th, we left Manchester in the coach for Bakewell, in Derbyshire, a distance of thirty-six miles, leading through a part of Lancashire and Cheshire. Although we had taken some pains to secure seats, one by the side of the driver in front, and another near the guard, in the rear, the privilege in this instance was little worth the brains as well as bloated faces of both of them appeared to be composed of roast beef and porter. They were intolerably stupid, and the meagre information extorted from them, was conveyed in language so strongly marked by provincialisms, as to be scarcely intelligible. On asking a question, for instance, as to the source of the river Wye, one of them replied, "it comes from the Crescent at Buxton!"

Some miles on this side of Manchester, the road leads through the large and populous town of Stockport. It is a great place for manufactures, principally of cotton. Its aspect was novel, but not prepossessing. It is cradled in a deep vale, the hills on each side being higher than the tops of the buildings. The firs of the manufactories had just been lighted, at the hour we passed through it, and a volume of dense black smoke filled the whole valley, curling like a well-defined cloud around the green heights on either side. Winding cautiously down the steep descent, we plunged into a suffocating atmosphere, where the pure breeze of the morning ceased to breathe, and the sun was shorn of his beams. The coach made no pause, and the only object which peculiarly arrested our attention, was a large circular edifice, rising above the buildings on the acclivity, denominated the Castle, and occupied as a hotel.

At 9 o'clock, the coach reached Buxton, a pretty village, neatly built of hewn stone, chiefly at the expense of the Duke of Devonshire. On the left of the road, just at the entrance into the village, stands a large octagonal pile of buildings, two stories high, called Anne's Stables, within which there is a circus for the exercise and amusement of visitors. Buxton has long been a celebrated watering place. It is said the Romans here erected a bath, and that many antiquities are found in the vicinity. As the city of the coach was limited to half an hour, we hastened to the spring, at a little distance from the hotel, at the risk of losing our breakfast. The principal fountain is called St. Anne's Well, the waters of which have been sung by the eccentric Hobbes, in a Latin poem "on the Wonders of the Peak." He ascribes a miraculous efficacy to the spring, which few husbands would wish to realize:

"Hic, mater ferri cupiens, accedit inanis.

"Piscine discit, puto, nec veniente marito."

It is distinguished also as one of the favourite retreats of Mary, Queen of Scots, during her barbarous imprisonment in the vicinity. On her last visit, she is said to have left the following classical valedictory:

"Buxtona, que calidæ celebrare nomine lymphæ,

"Forte mihi posthac non adeunda, vale."

"Buxton, whose fame thy tepid waters tell,

"Whom I perhaps no more shall see, farewell!"

We quaffed half a glass from the crystal fountain, which plays prettily into a white marble font, and congratulated ourselves on being free from chronic affections, if they were to be removed by draughts from St. Anne's Well. The water is of the temperature of 62 deg. being about that of milk, without the taste of any mineral properties to prevent nausea. It is however admirably adapted to the purposes of bathing, for which it is extensively used. Around the spring extends what is termed the Crescent, a beautiful semicircular pile of buildings, three stories high, occupied as hotels and baths, for the accommodation of visitors. It was erected by the late Duke of Devonshire, at an expense, including that of the stables above mentioned, of £120,000. Upwards of 2000 piles were driven 10 feet into the ground, to obtain a foundation. In front of the spring, is a pretty canonical eminence, with serpentine walks leading to the summit. Many ladies and gentlemen, were at this early hour for the fashionables, enjoying a morning promenade.

We had barely time to take a dish of tea and half of a mutton, when the peremptory twang of the coach horn summoned us away. There is in such cases a moment's grace; and although not in very good humour, at being hurried from table with an unsatisfied appetite, I could not but laugh at the misfortune of another passenger, who had just sweetened and creamed his second dish of tea, but had not tasted a drop of it, when the summons for his departure came. He "cast a longing, lingering look behind," as he

left the room and the remainder of his breakfast, as a legacy to the servant.

Our ride from Buxton to Bakewell, a distance of ten miles, was through a hilly region, exhibiting a fair specimen of the scenery in the Peak of Derbyshire, in which there is great uniformity, so far as it with here and there native and castellated precipices. The highest of the hills are about 1500 feet, on the Hudson, but far inferior in variety and picturesque beauty. They are generally destitute of trees smooth and closely grazed pasture, with white rocks of these ridges and deep valleys extends from Cheshire to Yorkshire. There is the same uniformity in the villages of the Peak, which consist of one story houses, built of unwhitened limestone, with thatched roofs. They give a romantic aspect to the country, being cradled among the hills, and often seen hundreds of feet below the traveller.

Soon after leaving Buxton, the road reaches the banks of the Wye, a small stream hurrying on with its clear and sparkling waters, through a deep ravine, till it unites with the Derwent below Chatsworth. The coach arrived at Bakewell about noon, where we found the best hotel, which has been met with since fitted it up in the style of a private dwelling, with chambers and sitting-rooms handsomely finished and furnished. Its walls are hung with pictures and sketches of natural scenery, instead of race-horses, which are here the common ornament of bed-chambers at the Inns. Among the books lying upon the tables in the several apartments, I was gratified to find the London edition of the *Pioneers*, by Cooper, and of *Königsmarke*, by Paulding.

Near the front door of the hotel, the following curious notice was suspended from the wall, in gilt letters, covered with glass: "White Watson, P. L. S. Bath-house, Bakewell, executes monuments, tombs, &c. gives lessons on geology and mineralogy; and furnishes collections: affords information to antiquarians; and amusement to botanists." This advertisement furnished an index to a profession unknown in our country; and while dinner was preparing, I had the curiosity to pay a visit to the scientific Caleb Quotem. He was to me a perfect original, and it is not improbable he may have sent to the pencil of Sir Walter Scott, who is familiar with Peak scenery.

On giving a rap at the door, a small, thin-faced, bald-headed man, turned of three score, made his appearance and bade us walk in. His coat, once black, was fast approximating to thread-bare, and might soon be placed in his cabinet of antiquities, being already covered with the same honourable dust. It was in admirable keeping with his corduroy breeches, made before the age of suspenders, finely polished with grease, and snugly buttoned about the knee, over his blue woollen stockings. A good old-fashioned pair of shoes, with sufficient lee-way fore and aft, completed his costume. But men of science are above dress, and Mr. Watson must be a man of science; for he has written a quarto on mineralogy, dedicated to the Duke of Devonshire, and has more over arranged in neat galvanic batteries all the strata to be found in the region of the Peak. He is also familiar with its botany, its history, its antiquities, and its traditions. Many of its "wonders" have been delineated by his pen and pencil, the productions of which grace the shelves and walls of his apartment.

With much politeness and suavity of manners, he conducted us to his cabinet, put on his glasses, set in black horn, and commenced an exhibition of all the articles which his own industry and the contributions of his friends have assembled. Druidical, Roman, Celtic, Saxon, and Gothic remains, of all descriptions, enrich a museum, which does not exceed in its dimensions eight feet by ten. Within those narrow limits may be seen the lachrymatories, in which some Cæsar or centurion bottled the tears of his mistress; fragments of stone consecrated by holy rites in groves of oak; implements which no antiquary can explain, disinterred from the barrows. In an adjoining room is a cabinet of all the minerals to be found in Derbyshire. All these curiosities, natural and artificial, together with the Roman bath, the niches of which are still perfect. Mr. Watson exhibited to us for half a crown. He also conducted us over the grounds, forming his little domain, neatly laid out, blooming with flowers and embellished with grottoes. In one of these retreats, curiously formed of spar in imitation of stalactites, with a door and seats fantastically woven of roots, "a noble family dined last summer." Chantrey has also visited Mr. Watson, and was delighted with a bass-relief of a sleeping infant, executed many years ago by one of the ancestors of the antiquary, whose family have acquired some celebrity as artists. Specimens of their skill were subsequently met with in our rambles through the Peak.

After dinner, which had grown cold, been warmed by the cook, and become cold again during Mr. Watson's long lecture, we paid a visit to Bakewell church, which is said to be a thousand years old, at least. A stammering sexton was hunted up, who keeps the keys and acts as expositor to the treasures within. In front of the antique edifice, the treasure of which was taken down a year or two since, lest it should tumble in, stands a Roman relic in the form of a cross, exhibiting much rude sculpture. On entering the shattered and venerable pile, the tomb of "the Vernon," so celebrated as the proprietor of Haddon Hall, was pointed out, and its Latin inscription decyphered. The sexton next conducted us to a dark corner, where are deposited two stone coffins; but whence they came, or whose dust once filled them, even tradition saith not. There is a half obliterated inscription on one of them, which has defied the skill of the antiquary.

In another part of the church, sleep in marble, as large as life, an interesting group, wearing the costumes of the age in which they lived. The first in order is Kenesley, in full armour, who fell near Tewkesbury in 1403, while fighting for Henry IV. Not far from this, Peveril of the Peak and his two wives rest side by side, with rings upon their fingers and their dress perfect. The hair of the ladies is done up much in the modern style, and their shoes are not unlike those of the present day. Cromwell's licentious soldiery mutilated their features, and broke some of their noses. In a niche upon the wall, stand George Man- ners and Dorothy Vernon, his wife, whom he stole out of the back door at Haddon Hall and clandestinely married. But more of this story hereafter. Opposite to this group are eleven statues, consisting of Lady Grace Manners and her family, kneeling in niches, with concise passages of scripture over each of their heads.

This church presents many attractions to visitors. During our examination of its interesting monuments, at least 30 ladies and gentlemen came in on the sat-

errand. It stands on an eminence, commanding an extensive prospect of the valley of the Wye, with the high hills rising on either side; also a distant view of Haddon Hall, with its grey battlements towering above the trees, with which it is surrounded. A walk by moonlight to the rustic bridge, which is thrown across the river at this place, concluded the toils and pleasures of the day. It was a rural, quiet, and charming scene. In the course of our rambles, we saw several Cambridge students, half a dozen of whom, under the care of a tutor, have been boarding at the hotel for the last three months, pursuing their studies and qualifying themselves for the approaching examination.

RECENT OMISSIONS.

ANNUAL TREASURY REPORT.

The report of the Secretary of the Treasury, Mr. Rusu, made to Congress on Thursday Dec. 22, occupies nearly six columns of the *National Intelligencer* of the 24th ult. and is a highly interesting document. The subjects are divided into three general heads:—

I. *Of the Public Revenue and Expenditures of the years 1824 and 1825.* II. *Of the Public Debt.* III. *Of the Estimate of the Public Revenue and Expenditure for 1826.* To some of the fiscal views of the Report allusion was made in the President's Message. As we shall publish the Report entire, we now merely allude to some of its aggregates.—The *Exports* of the year ending with September last, exceeded Ninety-two Millions of dollars—of which sixty-six millions were of domestic productions. The *Imports* exceeded Ninety-one millions. Of the imports over eighty-six millions were in American vessels; and of the exports over eighty-one millions. "The foregoing amount of exports exceeds, by about seventeen millions of dollars, the average amount for the three years preceding. The imports exceed, by about eleven millions, the same average. Whilst this large excess of exports during the past year arises chiefly from the produce of the soil, it is satisfactory to know, that domestic manufactures have lent their contribution. Of the latter, there have been exported to the value of between five and six millions of dollars. This is an excess of eight hundred thousand dollars over those exported in 1824, and of more than two millions of dollars over those exported in 1823. The progressive increase in this branch of industry is naturally ascribable to the new tariff." The total of the *Funded Debt*, due Oct. 1, 1825, was \$30,985,537 72. *Unfunded*—Out standing Treasury Notes estimated at \$10,600—Mississippi Stock \$7850 71. The only part of the Revolutionary Debt remaining unpaid, is the three per cents., amounting to \$13,296,231 45. The receipts of the year 1826, are estimated to amount to Twenty-five millions and an half—the Expenditures to \$20,584,730 02. Which will leave in the Treasury on the 31st Dec. 1826, after satisfying all demands of the year, \$4,915,259 93. Of the expenditures, a fraction over two millions, will be required for the civil, miscellaneous, and diplomatic services; over five millions and a half for the Military services; rising three millions for the Naval service, and ten millions for the Public Debt. Over two columns of the Report is occupied in an able and eloquent exposition of the benefits resulting from fostering Manufactures. "It has been," adds the Report, "seen how largely the exportation of our own manufactures, during the past year, has exceeded the exportations of the two years preceding. It may be added, that in no previous year since the foundation of the government, has the exportation of American manufactures reached an amount at all approaching to that of 1825. This is known from official documents as far back as 1803, and no doubt can be entertained of its being true for the remainder of the period. This fact, in conjunction with the increasing consumption of their improving quality, gives gratifying assurance of the progress of this most important branch of the national industry. It may be considered as marking the commencement of an epoch in the national resources, since an intimate connexion is believed to exist between the full encouragement and success of domestic manufactures, and the wealth, the power, and the happiness of the country."

In conclusion, the Report says, "In expressing the conviction embraced in the foregoing remarks it is not intended to close them by recommending any general revision of the tariff, as fixed by the act of Congress of the 23d May, 1824. But it is deemed proper, under cover of them, respectfully to submit the expediency of effectively increasing the existing duties upon all manufactures of cotton, of a fine quality."—And "Concurrently with this recommendation for an augmentation of duties on all cotton manufactures of fine quality, it is deemed advisable to submit also the expediency of lowering, to a small extent, the duties at present existing upon teas, upon coffee, and upon cocoa." [Boston Cent.]

KENTUCKY. From the seat of government of this State our dates are to the 7th of the month, at which time discord still prevailed between the two branches of the Legislature—the old Court party having a majority of about 24 in the House of Representatives, and the new Court a majority of 2 or 3 votes in the Senate. In the former body, by a still larger majority, resolutions have been adopted, cautioning and advising the Auditor and Treasurer of the State not to pay the salaries of the Judges of the new Court; also, expressing an opinion decidedly in favour of the power of the Judges of the old Court to coerce a restoration of the papers, records, and public property, taken from their old Clerk by the Clerk of the new Court; also, expressing the opinion that the Governor, Lieutenant Governor, Senators, and Representatives ought all to resign their offices at the close of the present session, and that they be invited to do so. A state of great exasperation of the two parties, one against the other, appears to exist at Frankfort.—*Nat. Intell. of the 20th ult.*

"Paying dear for the Whistle."

At Providence, for robbing Capt. Starbuck, &c. James White has been sentenced to pay a fine of \$335, to pay to Capt. S. \$7297, be publicly whipped 35 stripes, and be imprisoned 22 months.—Jesse Wright was sentenced to pay a fine of \$400, to pay Capt. S. &c. same sum as White, be imprisoned 16 months, and whipped 30 stripes. James L. Gardner was sentenced to pay a fine of \$300, to pay to Capt. S. &c. as the others, to be whipped 25 stripes, and imprisoned one year. The latter appealed.—*B. Adver.*

JUDICIAL.

LEWIS & AL. v. WEBB ADM'N.

In this case the appellants were the bondsmen of the respondent at the Probate Office; and now claimed an appeal from a decree of the Judge of Probate, passed several years since, upon an administration account, in which the respondent, who had become insolvent, had improperly charged himself with a balance of about five thousand dollars, which his bondsmen were made liable to pay; and of which account and decree they had in fact no knowledge, till long after the time allowed by law to claim an appeal had elapsed.

These facts being exhibited to the Legislature, a Resolve was passed at the session of 1824, granting an appeal to this Court.

MELLEN C. J. delivered the opinion of the Court as follows:

On the 28th of April, 1819, a decree was passed by the Judge of Probate for this County, allowing an account of the said *Joshua Webb*, as administrator on the estate of the late *Jonathan Webb*. No appeal was duly claimed from this decree. But several years afterwards, the appellants who are the sureties of said administrator, and as such signed with him his administration-bond, conceiving that a part of said account wherein he had charged himself with large sums of money, was improperly allowed, as well as erroneously charged against him, applied to the Legislature of this State, who, on the 17th of February, 1824, passed a Resolve on that application, authorizing the appellants to appeal from said decree. That part of the Resolve, demanding particular attention and consideration, is in these words, viz: "Therefore resolved, that the said *Archelaus Lewis* and *John Gordon* be, and they hereby are authorized and empowered now to appeal from the decree aforesaid; and the said Judge of Probate for said County is hereby authorized and directed to allow, and the Supreme Judicial Court to sustain, proceed and decree in the same, in like manner as if said appeal had been claimed and granted on the day of passing said decree: provided that said appeal be entered in said Supreme Judicial Court at the next ensuing term thereof; and that said *Lewis* and *Gordon* claim said appeal in writing at the Probate Office in said County within one month next after the passing of this Resolve: and shall within ten days thereafter give bond and shall comply with the other provisions of law regulating appeals from the orders and decrees of Judges of Probate." The terms of the above proviso were complied with: and the question we are now called upon to decide is, whether the appeal shall be sustained; or shall be dismissed, as not having been regularly brought before us.

The cause assumes an importance from the very nature of this question; because it has immediate respect to the boundary lines of those powers which are given by the Constitution of this State to the Legislative and Judicial departments. These lines are not drawn in the Constitution with distinctness, but by the use of certain general expressions, which will be presently considered. It seems at the present day to be an established principle in our country, as well as in many other parts of the world, that the three great powers of government, the Legislative, the Executive, and the Judicial, should be preserved as distinct from, and independent of each other, as the nature of society, human imperfections, and peculiar circumstances will admit. And the more this independence of each department, within its constitutional limits, can be preserved, the nearer the system will approach the perfection of civil government, and the security of civil liberty. Thus the wisdom and virtue of society are called upon to give strength and support to this vital principle, to give guarding the system against those disorders and diseases which are too apt to endanger its stability and derange its operations. The science of government has gradually become better understood, by a careful attention to the lessons of experience; and those who framed the Constitution of the United States and this State have acted under the influence and been guided by the dictates of this best of instructors. The same remark is applicable to most of the States in the Union.

The first section of the third article of our Constitution is in these words, viz: "The powers of this government shall be divided into three distinct departments; the Legislative, the Executive, and the Judicial." The second section of the same article declares that "no person or persons belonging to one of those departments, shall exercise any of the powers properly belonging to either of the others, except in cases herein expressly directed or permitted." It is not necessary for us on this occasion, to particularize the cases thus expressly excepted; because, none of them are deemed to have any bearing upon the point to be decided in this cause.

The first section of the fourth article of the third part of the Constitution authorizes the Legislature "to name and establish all reasonable laws and regulations for the defence and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States." Under this grant of power from the people to the Legislature all constitutional Resolves and public and private, or general and special laws are enacted.

The first section of the sixth article of the fourth part of the Constitution declares that "The Judicial power of this State shall be vested in a Supreme Judicial Court, and such other Courts as the Legislature shall from time to time establish."

The nineteenth section of the Declaration of Rights declares that "Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law."

By the laws in force at the time said Resolve was passed, the Judicial power was vested in this Court, the Court of Common Pleas, the Court of Probate, and to a limited extent in Justices of the Peace; the three latter jurisdictions having been created by the Legislature, pursuant to the above cited provision of the Constitution. The Court of Sessions has no jurisdiction in cases between party and party. Thus, it appears that all the Judicial power, has been distributed by the Constitution and the laws, and vested in the manner before mentioned. No Judicial power has been left residing in the Legislature; though in cases of impeachment the Constitution vests such power in one branch of it, viz. the Senate. Again, by the law in force in Massachusetts at the time the decree of the Judge of Probate was passed, and which so continued in force there, and in this State until re-enacted by our Legislature, Stat. 1821, ch. 51, Sect. 61, it is provided "that any person aggrieved at any order, sentence, decree or denial, of any Judge of Probate in any county, may appeal therefrom to the said Supreme Court of Probate, provided such appeal be claimed within one month from the time of making such order, sentence, decree or denial, and bond be given and filed in the Probate Office by the appellant within ten days after such appeal shall be claimed and granted, for the prosecution thereof to effect at the next Supreme Court of Probate, and for paying all intervening costs and damages, and such costs as the said Supreme Court of Probate shall tax against him." As has been before stated, no appeal was granted or claimed according to the above provision; not till since the Resolve in question was passed.

We have thus collected and arranged the foregoing passages, or extracts from the Resolve, and our own Constitution; and also from the statute of this State and Massachusetts, on the subject of appeals from de-

crees of Judges of Probate: and have also stated how the Judicial power of the State has been parcelled out, and where it has been vested; and we apprehend that by a careful consideration of these, in connection with certain fundamental principles, we may arrive at a safe and satisfactory conclusion.

The general question submitted to our decision, in this cause, seems to be divisible into three inquiries, viz:—

1st. What is the nature of the power exercised by the Legislature in passing said Resolve: Is it of a legislative or judicial character?

2dly. If of a legislative character, is the Resolve unconstitutional, or retrospective, and void, on the ground that it affects, disturbs and destroys the vested rights of third persons?

3dly. Is it competent for the Legislature in the exercise of their legitimate authority, to suspend the operation of a general standing law, in favour of one or more individuals; leaving it in full force as to all other persons?

1. As to the first inquiry, we would observe as has been before intimated, that the terms used in the first section, as to the three departments of government, are general; and the phraseology of the second section prohibiting the interference of the departments, is also general. Hence as in the instance before us a question arises:—What exercise of power by those belonging to one department, is to be considered as an invasion of the province of either of the other departments? In reply to this it may be said at once, that if the Legislature undertake to exercise judicial power, they invade the province of the Judiciary; because the Constitution and the laws have placed all the judicial power in other hands. But the question returns, did the Legislature exercise a judicial power in granting to the appellants the right of appeal? In form they did not; but if it was such in substance and effect, it would clearly be a violation of the spirit if not the very language of the Constitution.

Whatever may be considered the nature and character of the decree since the appeal was claimed, it is very clear that, at the time the Legislature passed the Resolve, it was in full force and virtue; and had been for almost five years. The rights of heirs to creditors in the subject matter of that decree vested when it was passed, and so remained undisturbed until the Resolve professed to grant the appellant leave to disturb them. The ordinary and legal consequences of an appeal is, to vacate, at once, the judgment or decree appealed from. Has that effect been produced in the present instance? Or is the decree of the Judge of Probate in full force now and the administrator liable to have a second decree passed against him by this Court on the same account? Such a decree passed in this case by us, would not operate to relieve the administrator from the effect of the existing decree, unless the Resolve, and the appeal claimed in virtue of it, have completely vacated that decree; and if it is not vacated thereby, why is it not a bar to all proceedings in this Court when relied upon as such. In fact this appeal cannot be sustained on any other principle, than that of its having produced the usual effect of an ordinary appeal; that is, having vacated the decree below. And can the Legislature, by a mere resolve, set aside a judgment or decree of a Judicial Court and render it null and void?

This is an exercise of power common in Courts of law; a power not questioned; but it is one purely judicial in its nature, and its consequences. It is one of the striking and peculiar features of judicial power that it is displayed in the decision of controversies between contending parties; the settlement of their rights and redress of their wrongs. But it is urged that the Resolve is not liable to objection on constitutional ground; that the authority, exercised by the Legislature, is not in any degree judicial; that the Resolve goes no farther than to authorize a re-examination of the cause, to empanel, or one Judicial Court to review the proceedings of another Judicial Court by way of appeal, and thus to do complete and final justice to all concerned. It is true the Resolve does not in terms, purport to transfer property directly from one man to another by mere Legislative authority: but it professes to grant to one party in a cause, which has been, according to existing laws, finally decided, special authority to compel the other party, contrary to the general law of the land, to submit his cause to another Court for trial: the consequence of which may be the total loss of all those rights and all that property which the judgment complained of had entitled him, and those claiming through or under him, to hold and enjoy; that is to say, it professes to accomplish in an indirect and circuitous manner, that which the existing laws forbid, and which by a direct and legal course cannot be attained; and to perform an act respecting a cause between party and party; an act therefore of a judicial character, in the simple form of legislation. Can this be correct legislation? Can such a law be reasonable within the meaning of that term, as used in the Constitution in the grant of legislative power? We trust there is more harmony than this between the principles of morality and those of the Constitution and the common law. A law is defined as "a rule of civil conduct." 1 *Id.* Com. 41. Hence it must in its nature be general and prospective. A rule for all, and binding on all. It is the province of the Legislature to make and establish laws; and it is the province and duty of Judges to expound and apply them.

In addition to what has been remarked under this head, it may be observed that there is no occasion for this species of particular legislative interposition. The cause of justice does not require it. If the general law which gives authority to the judicial courts to grant reviews, in special cases, is not sufficiently comprehensive in its terms or provisions, let this discretionary jurisdiction be enlarged, so as to embrace all let all the citizens be placed on the same level; but discuss the merits of their application before those tribunals where facts can be investigated and principles uniformly applied;—in that form where, if a refusal should be granted, the cause would undergo its government investigation and decision. The genius of our are such as to render it most proper that all questions between litigating parties should be discussed and decided in a judicial court; there is the place to settle questions of law; and though they have often been presented to the legislature for their determination in the form of applications for new trials, nothing but a familiarity with this mode of proceeding, prevents our perceiving at once its impropriety and violation of the spirit of our constitutional provisions. The counsel for the appellants have appealed by way of argument to this practice in Massachusetts. To this several answers may be given. The practice commenced under the provincial government; and the power seems to have been exercised by the legislature at that time on the same principles as it is by the British Parliament; no constitutional restraints in either case, existing to prohibit that course of proceeding. After the constitution of Massachusetts was adopted, the practice may have been continued. Prior to the year 1789, the Supreme Judicial Court were not authorized to grant reviews; but they have been ever since, and so has this Court since its first organization. Before that time the power, if it resided anywhere, was supposed to reside in the legislature; and there is no proof before us that the power was denied. It has, no doubt, been exercised in many cases, and been followed by acquiescence. The legality of this jurisdiction seems not to have been denied till in the case of *Holden v. James*, 11 *Mass.* 390. The Reports do not furnish us with any other decisions on the point.

But mere acquiescence in the exercise of this power is no proof, under existing circumstances of its legitimacy. If in any of those cases where the legislature granted new trials, the question of constitutional authority, had been subjected to the critical examination which was had in the above case of *Holden v. James*, the result would probably have been the same. In this State the question is open, and ought now to be decided on its intrinsic merits, with all due deference to those who have established certain constitutional boundaries, beyond which the public good demands that neither of the departments of government should pass.

It has been urged that a question almost precisely similar to this has been settled by the Supreme Court of the United States, in the case of *Colder and wife, vs. Bull & al.* 3 *Dall.* 308. On examination, the cases differ essentially. At the time the Legislature of Connecticut granted the appeal in that case, their authority was derived from the charter. The people of the State had formed no Constitution, and the Legislature of course were not restrained by any constitutional provisions, as is the case in this State. Several of the judges, in giving their opinion, relied on this circumstance, and the usage, showing that the Legislature had long exercised this species of judicial power. Such also was the view of this case taken by the Supreme Court of New-Hampshire, in the case of *Merrill adm'r. v. Sherburne & al.* 1 *N. H. Rep.* 199. The appellants therefore can derive little or no support from decided cases.

We must settle this case on principles.

2. As to the second inquiry, we perceive that many remarks and arguments particularly applicable to it, have been anticipated in our consideration of the subject of the first inquiry. In the case of *Proprs. of Ken. Purchase v. Laboree & al.* 2 *Greenl.* 275. We have decided that a law retrospective in its operation, acting on past transactions, and in its operation disturbing, impairing, defeating or destroying vested rights, is void, and cannot and must not receive judicial sanction. We refer to that case for the reasons on which our opinion is founded. We have intimated in what manner the resolve is objectionable on this account. The decree of the Judge of Probate had settled all questions in relation to the account of the administrator which was the subject of the decree; and as no appeal was legally claimed, by the law of the land, the door of investigation was completely closed; so that the account was not examinable in any form, by any judicial tribunal. Such a decree is a legal title to all claiming under it or beneficially interested in it. If for instance by that decree the administrator stood charged with a balance in his hands of five thousand dollars, the disturbance of such decree would necessarily endanger and perhaps destroy the vested rights of heirs or creditors, in that sum. If by such a legislative act as the resolve in question, an existing, absolute decree or judgment could be vacated, and persons interested therein be deprived of their rights in this summary manner, what security does the citizen enjoy in virtue of the section of the Declaration of Rights before cited, viz. "Every person for an injury done him in his person, reputation, property or immunities, shall have remedy, by due course of law?" But for the reasons before assigned we need not enlarge on this head of the cause; and therefore proceed to the consideration of the third inquiry.

3. All public laws, from their very nature and effects are to be considered as rules for future cases, prescribed for the benefit and regulation of the whole community. Laws of this description are considered as the guardians of the life, safety and the rights of each individual in society; in these, each man has an interest, while they remain in force, and on all occasions he may rightfully claim their protection; and all have an equal right to make this claim, and enjoy this protection; because, according to the first section in our Declaration of Rights, "All men are born equally free and independent; and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness."—On principle then it can never be within the bounds of legitimate legislation, to enact a special law, or pass a resolve dispensing with the general law, in a particular case, and granting a privilege and indulgence to a man, by way of exemption from the operation and effect of such general law, leaving all other persons under its operation. Such a law is neither just or reasonable in its consequences. It is our boast that we live under a government of Laws and not of Men. But this can hardly be deemed a blessing unless those laws have for their immovable basis the great principle of constitutional equality.—Can it be supposed for a moment, that if the Legislature should pass a general law, and add a section by way of proviso, that it never should be construed to have any operation or effect upon the persons, rights or property of *Archelaus Lewis* or *John Gordon*, such a proviso would receive the sanction or even the countenance of a Court of law? And how does the supposed case differ in principle from the present? A resolve passed after the general law, can produce only the same effect as such proviso. In fact neither can have any legal operation. The case of *Holden v. James*, 11 *Mass.* 390, is a direct authority on this point. The Court there decided that the Legislature have no authority under the Constitution to suspend the operation of a general law in favor of an individual. *Holden's* right of action against *James* as administrator, was barred by the statute of limitations, which was enacted for the protection of executors and administrators, in suits against them, in those capacities; and the Legislature on *Holden's* application, passed a resolve authorizing the Court to try and decide the cause in the same manner, and render the same judgment, as though the action had not been barred by the statute; and suspending the operation of the statute as to *Holden's* demands against the intestate. The Court observed that they could not presume the Legislature expected them to render a judgment contrary to law; and as the statute of limitations was in full force, and unreppealed, it could not be legally suspended as it regarded the plaintiff, and they accordingly non-suited him. In the case before us, though the Legislature by their Resolve have not only authorized but directed this Court to sustain the appeal, and proceed and decide the cause in the same manner as though the appeal had been claimed and granted in due season; we cannot suppose they entertained any doubt as to the propriety and legality of such proceedings; or presume that it was expected or desired that we should so sustain the appeal and decree in the cause, unless warranted by law. The practice which has prevailed in Massachusetts in respect to granting new trials by the Legislature, has in some instances been followed in this State, though considered by those who have granted them, as so sanctioned by usage, as to be a proper exercise of power; yet we are bound by our duty and our oaths to decide the question submitted on its intrinsic merits, when tested by the principles of the constitution and the law of the land. The question is important and we have examined it carefully. The object has been to ascertain the will of the people, as expressed in that constitution; and the true limits of those powers, which they have granted to the three departments of government. This will and these limits being ascertained, the path of duty is plain; and it is the interest of all that each branch should steadily pursue it. By pursuing this path ourselves, we have arrived at the conclusion, with which we feel satisfied, that, for the reasons stated in this opinion, the Resolve in question cannot be deemed constitutional and binding on this Court.

or entitled to its sanction, and accordingly we dismiss the appeal.

Appeal dismissed.

After the foregoing opinion was delivered, *Priest J.* observed that though he was not present at the argument of the cause, yet he fully concurred in the correctness of the conclusion at which his brethren had arrived; and the question decided being an important and constitutional one he thought proper on this occasion to declare his concurrence.

FOREIGN.

FRANCE AND HAYTI. The French Ordinance for acknowledging the independence of Hayti, and remarks made in the Paris papers on its ratification, have been the subject of comment in the Haytian papers. They treat with merited ridicule the remarks, in one of the French Journals, "that the Haytiens received the orders of their King with gratitude."—And expose the folly and absurdity of the assertion, by asking, "if the French would receive orders from the President Boyer?" who rules over France just as much as *Charles X.* does over Hayti. But it may be remarked, that the Haytian editors do not discover their usual sagacity in attributing to the French Minister the above remark, which was made by a French editor, and written in the spirit of a partisan in answer to an antagonist. As far as can be learnt from a perusal of files of French papers published since the ratification of the Ordinance, no disposition appeared to exist in France to deny the fact of the full recognition of the independence of Hayti. In all the official publications she is thus recognized, and her Agents receive the same attention, and enjoy the same consideration as the Agents of the most favoured nations. The Haytian papers give some circumstances attending the transactions of *Port-au-Prince* when the negotiation was in train, not before so particularly known. It is stated that when the French Ordinance was first presented to Boyer, by Baron Mackay, the President was so much dissatisfied with its form, and so disappointed at its language, that he twice peremptorily refused to ratify it; and that it was not until after the Baron, at a third interview and with the exertion of all his diplomatic address, presented his private instructions, containing an autograph Royal Promise of *Charles X.* that the acknowledgment in the Ordinance was unequivocal, was made in good faith, and would be fulfilled with honour and punctuality; and to confirm it, till the Baron had offered himself as a hostage of the truth and sincerity of his Monarch, that Boyer was induced to ratify the instrument. It is stated, that the Ordinance will be succeeded by a regular Treaty of Amity and Commerce.—*B. Cent.*

EAST INDIA NEWS. Advices from Calcutta, which are to the 24th August, give contradictory accounts of the prospects of Peace between the British and Burmese.—Some expressly stating, that the object of the war had been accomplished in the chastisement of the natives, and that offers of Peace would be made and accepted;—and others asserting, that there did not exist the smallest disposition in the Burmese to sue for Peace, and that as soon as the rainy season was ended, the army would pursue its march to *Rangoon*, the capital of the Empire. All accounts, however, agreed, that by diseases, the battalions had been reduced to skeletons, and that the low countries having been flooded by water, had become a *Walcharen*.—It may be remarked, that none of the accounts are official. A Calcutta paper of the 8th July, contains a deposition, that *Mrs. Judson*, the wife of the American Missionary, resided at *Ava*, unmolested, and was allowed to visit her husband twice a week, who was confined in prison, and in irons.

The *Tenks*. Capt. Hiller, arrived at New-York from Smyrna, reports that he spoke on the 9th of November, off the Island of Sicily, an Austrian brig, from Alexandria for Leghorn. The Captain informed that four days before he sailed, which was on the 13th of October, a Turkish fleet of 120 sail, consisting of frigates, fireships, and transports with 30,000 troops on board, sailed for the *Morea*.

London, Nov. 9. Letters from Batavia, received this morning, dated 23rd June, announce that Angier, in the Straits of Sunda, had been declared a free port by the Dutch government, which had been provoked by the English having established a free port at Singapore. Every kind of merchandise would be received in Entrepot on paying 1 per cent.

From Alvarado. Capt. Bukup, at New-York, from Alvarado, informs that the news of the surrender of the Castle of St. Juan de Ulloa, was received there on the 19th Nov. and on the 24th great rejoicings took place throughout Mexico, which continued for three days, agreeably to the President's Proclamation. All was bustle and confusion at Alvarado, when he sailed, in consequence of the great preparations that were making by the inhabitants to remove to Vera Cruz. Furniture and merchandise of every description were strewed along the beach, ready to be taken on board coasters. Several merchants had already rented their houses at Vera Cruz, and were only waiting for permission from government to transport their goods in foreign vessels, free of duty. The transportation would however be delayed some time, as the houses at Vera Cruz were in a very bad condition, and would require a good many repairs. People were flocking into Vera Cruz from every part of the country, to secure houses.

Several heavy gales had been experienced on the Coast, and a good deal of damage was done to shipping. The brig *Jerome*, Lee, of New-York, from Marseilles, was lying at Point Lizardo, bound to Vera Cruz. She experienced a heavy gale on the Bank of Yucatan, in which she threw overboard about 20 tons of paper.

PARIS.

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THE OBSERVER.

PARIS, (ME.) THURSDAY, JANUARY 12, 1826.

The January Term of the Court of Common Pleas will be holden at the Court-House, in this village on the fourth Tuesday of the present month, (24th.)

A Probate Court will also be holden on the same day, at the Probate Office.

A Probate Court will be holden at Waterford, on Monday next—and at Fryeburg the day following.

SUPREME JUDICIAL COURT.—The January term of this Court, for this County, after having disposed of all the causes ready for trial, closed its Session on Thursday evening last.—By the politeness of the Clerk we are indebted for the following list of criminal cases on the Docket: Jacob Cobb, of Hartford, convicted for passing counterfeit Bank Bills, was sentenced to ten days' solitary imprisonment and three years' hard labour in the State Prison. James Grover, of Berlin, indicted for committing adultery was acquitted.

IMPORTANT DECISION.—The important decision of the Supreme Judicial Court, which will be found in another part of this day's paper, was communicated for publication to the Editors of the *Eastern Argus*, by S. GREENLEAF, Esq.—It is well worth the attention of all interested in obtaining new trials.

STATE LEGISLATURE.—The Legislature of this State assembled at Portland, on Wednesday the 4th inst. The House was called to order at 10 o'clock A. M. by Col. CHASE of Livermore. At 11 o'clock the Governor and Council came in and qualified the members of both branches of the Legislature.

The following gentlemen appeared as Senators; viz. from the County of York—Joseph Prime, George Scammon, Nathan Elden. Cumberland—Robert P. Dunlap; Josiah Dunn, jr. James C. Churchill. Lincoln—Jonas Wheeler, Josiah Stebbins, Stephen Parsons; Nathaniel Green. Kennebec—Joseph Southwick, Reuel Williams, Thomas Francis.

In the SENATE—HON. JONAS WHEELER was elected President, on the second ballot, and Doct. Low, editor of the *American Patriot*, was chosen Secretary of this body. Ebenezer Hutchinson was appointed Assistant Secretary; and Capt. John Merrill, Messenger.—Mr. Butman, of Penobscot county, though it was stated, lost his election in consequence of the votes of Hampden being rejected, was declared duly elected.—On Friday, the vacancies in the Senate were filled. Oxford—Joseph Howard, Esq. had 95 votes, and was chosen—Gen. Levi Hubbard had 54. Hancock—John S. Kimball had 134 votes, and was declared elected.—Samuel M. Pond had 15. Somerset—Obed Wilson had 86 votes, and was declared elected.—William Allen, jr. had 70. On Saturday Samuel M. Pond was chosen to fill the vacancy occasioned by the resignation of Mark Shepard of Hancock County.

Dr. HOLLAND of this County, and Judge CAMPBELL of Washington County, have not yet taken their seats at the Senate Board, on account of indisposition.

In the HOUSE—For Speaker, Mr. ROGERS had 78 votes, and was chosen, having a majority of 7 votes over the whole; Mr. BOURVILLE had 61 votes. JAMES L. CHILD was unanimously chosen Clerk. Thomas Baker was employed as door keeper. The several Clergymen of Portland, are to perform the duties of Chaplain, according to seniority.

The Governor's Message was communicated to both branches of the Legislature on Monday last, which we shall present to our readers in our next.

BUSINESS OF THE LEGISLATURE.—The Editors of several papers have informed us what business would probably be brought before the Legislature at this Session, and how a part would be disposed of. As for instance: the editor of the *Hallowell Gazette* thinks, that the Petitioners for a Bridge at Gardiner will have leave to withdraw; and some other editor supposes the Petitioners for a Dam at Augusta, will have leave to bring in a bill. But, be these as they may, we have no doubt but the industrious members will find business enough for the winter; but if they are like to be short at any time, we would take it as a great favour, if they would alter the name of the town of CASTINE, as it is one that sounds hard in the ears of tender-hearted people, and brings disagreeable ideas to mind—and in truth, it is not a very pleasant name to us, for by inadvertently mentioning it at a certain time, we lost—or came very near losing fifty subscribers to our paper, besides exposing ourselves to many other inconveniences of minor importance.

CONGRESS.—Since our last there has been no very interesting information from this body.—The Hon. Members were spending the Christmas Holidays as usual in eating good dinners with a little wine, while the business of Legislation remained in statu quo. It is probable, however, that Congress will, in a few days, enter seriously into business.

Mr. KISSA's nomination has been confirmed by the Senate without opposition, notwithstanding the hue and cry raised against Mr. ADAMS' appointment.

Mr. RICHARD C. ANDERSON, of Kentucky, (at present Minister to the Republic of Colombia,) and JOHN SARGENT, of Philadelphia, have been nominated by the President, to attend the Congress at Panama.

We have learnt by the *Eastern Argus*, that Doct. Low, the Editor of the *American Patriot*, was like to become principal Star-gazer to President Adams.

But it seems, as things have now turned out, that the Senate of this State have employed him to make their calculations.—Some of them may possibly need his medical skill in electricity. We have also heard it hinted that he was not employed for the sole benefit of the Senate, but to give some of the members of the Hon. House a gentle jog—or so, should they need, as being Secretary of the Senate he would be easily obtained. It is said also, that the Doct. has a good understanding of the heavenly bodies, consequently he can render very essential service to those members who are afflicted with lunacy.

A writer in the *American Patriot*, whose signature is OLEON, has made a long and laboured essay to prove that the fees of Sheriffs, in this State, are exorbitant, and that that officer ought to be chosen by the people. We rather suspect that OLEON wishes to have a division in the duties of that office, as it is suggested, should those alterations take place, he might possibly be chosen hangman—He does not, however, mention the subject.

CIVIL GOVERNMENT OF MAINE, FOR 1826.

Governor—HON. ALBION K. PARRIS.
Council—DANIEL WOOD, WILLIAM CHADWICK, JONATHAN THAYER, JOSEPH SHAW, JOHN BALKAM, JOEL WELLINGTON, JOEL WHITNEY.
Secretary of State—AMOS NICHOLS, Esq.
Treasurer—ELIAS THOMAS, Esq.
[TO BE CONTINUED.]

REVOLUTIONARY PENSIONERS. By the Report from the Pension Office, we learn that there are 15,786 Pensioners; 111 of whom are under half pay, and 3690 are invalids. The amount paid these Pensioners during the year, ending September 4th, 1825, was \$1,514,787 45. The number of Pensioners who died during the same period, amounted to 490, and the number added to the rolls in the same time, was 408. The number of Pensioners in each State is as follows:—Maine 1256, N. Hampshire 914, Massachusetts 2064, Rhode Island 252, Connecticut 992, Vermont 1226, New-York 4007, New-Jersey 471, Pennsylvania 1337, Delaware 36, Maryland 451, Virginia 861, N. Carolina 325, S. Carolina 137, Georgia 82, Kentucky 905, Tennessee 361, Ohio 865, Louisiana 30, Indiana 168, Mississippi 20, Missouri 57, Illinois 43, Alabama 41, Michigan Territory 30, District of Columbia 84.

The following is a copy of a Petition to be presented to Congress, in favour of the Revolutionary Soldiers who do not now receive a Pension, signed at this place on Tuesday of last week.

To the Honourable Senate and House of Representatives in Congress assembled.

The undersigned, citizens of the United States, officers and soldiers of the Revolutionary War, beg leave humbly to submit the following Memorial:

The War of the Revolution terminated gloriously. The chains of the oppressor were broken; and the God of armies gave us victory; and the Colonies became a nation. It was then, that from the humblest private in the ranks of freedom, to him, who then guided the destinies of our country, there arose one simultaneous, involuntary burst of gratitude to Heaven.—Since that period, the prosperity of the United States finds no parallel in history. Power, intelligence, wealth and greatness have thrown a constant and cloudless radiance over our happy country. In the midst of her general prosperity, she has not forgotten to be grateful. Soldiers of the Revolution have partaken of her munificence.—Soldiers—who now stand as the memorials of other times—as the mementos, not of colonial dependence, not of regal oppression, but of everlasting redemption from both. The number of them, who survive, is indeed small. Death has done what Great Britain could not do. Enough, however, survive to bear back the recollection to times of peril, suffering and glory. To us, your humble memorialists, these events of "times gone by," are not mere matter of history. Our scars tell more than that we have read the Revolution or seen the strife of SEVENTY-SIX. We mingled in that strife and live to rejoice in its wonderful and glorious consequences. In the grateful remembrance of our Country to the authors of her independence, shall we say she dispenses her munificence with a partial hand? The law of March 18, 1818, with its subsequent additions and amendments, reaches only a few. Many are excluded from its bounty, because, notwithstanding they spent years in the ranks of Revolutionary bravery—those years are made up of repeated enlistments and continued periods of service for a less term than nine months at any one time. Another class are excluded, not because they served not, but because their services, however long, and however meritorious, are characterized as Militia service, and not on the continental establishment. A third class are excluded, who lack neither in length nor character of service, but simply because they sustain not the character of paupers. Having faithfully served their country till the struggle was over, by their own subsequent industry and prudence, the only resources the war had left them, they acquired the means, scanty enough indeed, for their support. The spirit of such, and in fact, of many, who are absolutely poor, remains unbroken. They bowed not to the seeming Omnipotence of England, and they cannot ask alms of those, who are manifestly their debtors.

From these considerations, we humbly ask, does not impartial justice require an alteration of the Pension Laws? Are years of service and suffering to be considered as rewarded by payments which availed the soldier nothing? And if the provisions of the Pension laws are considered as bestowing a gratuity, as such, why, may we not inquire, should it be limited to those whose habits of life have added nothing to their earlier claim of gratitude on the community, while others, whose early merits are equally strong, who have adorned society since, by exemplary industry and temperance of life, are excluded from the benefit?

Open, then, we pray you, the gates of gratitude a little wider. Let the blessings you bestow, flow, if not in so deep, in a wider channel. Make the heart of every Revolutionary Soldier glad, if but for a moment. We appeal to the justice and magnanimity of our Country. We heard her voice in the time of her adversity, and we obeyed. In the days of her prosperity, she will not, she cannot forget us.

Josiah Parris, Job Packard, Simon Record, Jonathan Record, Jacob Whitman, Jonathan Gardner, David Briggs, James Dunham, David Low, Jonathan Holmes, Barzilla Fuller, Meshech Keen, Ailey Curtis, John York, Thomas Hill, William Cushman, Benjamin Cox, Moses Buck, Israel Hale, Luther Gardner, Isaac Allen, Isaiah Cushman, James Heary, Thomas Berry, Benjamin Lufkin, John Fletcher, Joshua Ford, Daniel Bean, Aaron Fuller, Joseph Lathrop, Elias Monk, Charles Ford, John Hix, Joshua Besse, Peabody Bradford, Labon Smith, Nathan Swan, Isaac York, Joseph Leavitt, Gashum Davis, Ephraim Hathaway, Asa Dean, Machi Tower.

At a meeting of the above named Revolutionary Soldiers, holden at Paris, in the County of Oxford, on Tuesday the third day of January, A. D. 1826, Captain Josiah Parris was called to the chair—and upon organizing the meeting, the foregoing Memorial was read—when it was voted that the same Memorial be signed by every Soldier present and transmitted to the Hon. EXEC. LINCOLN, our Representative in Congress—to be presented to Congress as soon as may be.

Attest, JOSIAH PARRIS.

FROM COLOMBIA. The schooner Trimmer, arrived at New-York, brings private advices from Cartagena to the 10th, and from Bogota to the 1st ult. It is stated in the *Gaceta de Colombia* that advices from the country informed that Mr. Anderson would be named as one of the Commissioners to the Congress of Panama.

About twenty sail of vessels, had gone from Cartagena to Chagres to transport from six to eight thousand troops expected there from Peru, who were destined to join the expedition fitting out at the former port against the Island of Cuba, (as was recently reported.) There were nine Colombian vessels of war lying at Cartagena, including one ship of the line, two frigates and four large sloops of war. The squadron was not expected to leave Cartagena under two or three months.

FIRE. On Thursday evening, 29th ult. about 7 o'clock, fire was discovered in the cellar of the four-story store, making the southerly corner of Franklin and Washington-streets, Boston, occupied by Messrs. Churchill & Collamore, as a Crockery and Glass Ware store, and owned by Messrs. John & B. Wells. An instant alarm was given, and although the ignition in the cellar among crates was so great as to prevent extinguishment, it was more than an hour before the flames burst through the roof, and destroyed the whole interior of the building, and most of its contents. We understand the loss of Messrs. C. & C. is estimated at \$12,000—of which \$8000 was insured at the Manufacturer's Office. Mr. Durivage, who improved an upper story, lost all the furniture in his room. Messrs. W. B. & H. White, druggists, who occupied the next door, had to remove every thing.—Cent.

MORE SNEGLING. In a Marshal's Notice published yesterday, the seizure is stated, of twenty-seven casks, each containing Coffee and one case or box of Leghorn Hats. The facts connected with this transaction are said to be as follows:—The hats were regularly imported into this city from Italy, and entered for exportation—they were shipped for Havana, and the drawback, upwards of 50 per cent. was allowed upon them. At Havana each case was carefully concealed in a hoghead of Coffee and put on board of a vessel for this city, where, on their arrival, they were entered as twenty-seven hogheads of Coffee. From this place, the intention was to ship them to Philadelphia, and they were accordingly put on board one of the packets regularly trading to that port. But it so happened, that the officers here obtained some inkling of the affair. By boring the hogheads, the cases were found snugly deposited, and being taken possession of, a pretty effectual barrier was opposed to their further migration.—N. Y. paper.

Married,
In Brimfield, Capt. Jonas Blodgett, an officer of the Revolution, to Mrs. Hannah Bugbee; their united ages being 160 years.

In Fredericksburg, (Va.) Mr. Carter Croxton, aged 70 years, to Mrs. Frances Faulconer, aged 22.

Died,
In Keen, (N. H.) Ellen Sophia, daughter of John Prentiss, Esq. Editor of the *New-Hampshire Sentinel*, aged 14 years.

In Bethel, the 26th of November last, James P. Marble, aged 26.

In Providence, Mr. John Tarp, a Revolutionary pensioner.

AT AUCTION.

WILL BE SOLD, on Monday the 30th of January inst. at one o'clock, P. M. at the first Congregational Meeting-House in Paris, the residue of unsold FEWS in said House, which are numbered and situated as follows; viz:

Nos. 15, 29, and 46, on the lower floor; and No. 2, in the Gallery.

Credit, with good security, will be given, if desired. Per order of the Committee.

Paris, Jan. 9, 1826. 80

A MILL PRIVILEGE.

TO BE SOLD at PUBLIC AUCTION, on Monday the 13th day of February next; at two of the clock, P. M. (if not previously sold at private sale,) the well known MILL and MILL PRIVILEGE, belonging to the subscriber, and situated in Buckfield Village, constituting one of the best Water Privileges for a Grist Mill and for other Machinery, that can be found in the County.

TERMS liberal—and to be made known at the time of sale. DOMINICUS RECORD.

Buckfield, Jan. 3, 1826.

The Publishers of the *Eastern Argus* are requested to insert the above advertisement. D. R. 5w 80

CAUTION.

ALL persons are hereby cautioned against purchasing a Note of hand, signed by the subscribers, dated October 18th, 1825, for the sum of \$75 05—payable to DAVID DUDLEY—as we have received no valuable compensation for the same.

JACOB WHITMAN, Jr.
JACOB WHITMAN.

Woodstock, Jan. 4. 80

NOTICE.

CAME into the inclosure of the subscriber, on or about the 25th ult. seven SHEEP, branded on their heads and shoulders, with red paint. The owner is requested to pay charges and take them away.

ELIAS PARTRIDGE.
Paris, Jan. 3. 80

NOTICE.

THE subscriber having purchased the Right of the Improved VETRICAL SPINNER, for the County of Oxford, except the town of Paris, now offers for sale, in single shares or by towns.

The Machine is of very simple construction, and the expenses of making it moderate. It occupies no more room than a common spinning wheel, and will, with the same labour, produce, at least, three times as much yarn. JOHN BONNEY.

Paris, Jan. 5. 79

Nantucket & Kennebec Bills.

TAKEN at par for TICKETS in the Cumberland & Oxford Canal Lottery.

Those who wish to save the advance on Tickets will forward their orders previous to the tenth of January.

Call where the Prizes are sold.
Portland, Me. 27. E. SHAW.

DRAWING ANNOUNCED!

THE CUMBERLAND & OXFORD CANAL LOTTERY will be drawn on the 25th of this month.

Persons in want of
\$5000—\$2000—\$1000—\$500—\$200—
\$100—\$50—

or smaller sums, would find it for their advantage to call immediately at the

OXFORD BOOKSTORE,
Price—Wholes \$4 50—Quarters \$1 25—Eighths 63 cents.
Jan. 5.

JOHN K. HALE,

NO. 1.....MITCHELL'S BUILDINGS,
MIDDLE-STREET.....PORTLAND,

HAS just received an Elegant Assortment of

European, India & American

DRY GOODS,

WHICH WILL BE SOLD LOW, for Cash or approved credit.

Wanted,
From Twelve to Fourteen Hundred yards of

COUNTRY FLANNEL,
for which Goods will be given at the lowest Cash Price. Oct. 29.—3m 69

NEW SONG BOOK.

JUST published and for sale at the Oxford Bookstore; THE MUSICAL MAN'S COMPANION, or a New Collection of Love, Masonic, Sea, and other Songs.

Also—A general supply of

School Books,
Writing & Cyphering Books—Paper—Quills—Inkpowder—Slates, &c. &c. All Cheap.

A LIST OF LETTERS remaining in the Post-Office at Paris, January 1st, 1826.

Joseph Baxter, Jr.—Alanson Briggs—Isaac Bolster, Jr.—Chauncy Bonney.

Isaac Cummings—Daniel McClane—Miss Louisa Clark, 2—Bartholomew Cushman—Peter Chase.

Daniel Dunn, 2—Samuel Deering.
Ziba Frost—John Fogg.

William Hutchins.
Richard Lamb.

Col. H. R. Parsons—Jacob Pain.
Abner Quincy.

Edmond Rogers—Col. William Ryerson, 2—Major Joel Robinson—Miss Margaret Russell—Nathaniel Russell.

Mrs. Sarah Stevens—Miss Hannah Stertevant.
Asa Woodbury—William Walcott—Isaiah Whittemore.

RUSSELL HUBBARD, P. M.

JUST received and for sale at the Oxford Bookstore, the UNIVERSAL PRECEPTOR, being a

General Grammar of Arts, Science and Useful Knowledge;—by DAVID BLAIR. This work contains a Compendious System of the simple Arts of Savage life, Farming and Agriculture, Government and Laws.

Trade and Navigation, Morals and Religion, Grammar, Logic, Chemistry, Electricity, Mathematics, Algebra, Music, Drawing, Painting, Heraldry, Literature, and several other interesting subjects. Price—87 1-2 cents.

Also, as above—the MAINE CIVIL OFFICER, or the Powers, Duties, &c. of Sheriffs, Deputy Sheriffs, Coroners and Constables; with the necessary forms.

No civil officer should be without this Book. Price \$1 25 cents. Jan. 12.

WOOD WANTED.

THOSE of our Subscribers who have engaged us Wood in payment for the *Observer*, are informed that they would oblige us by delivering it as soon as convenient.

Observer Office, Jan. 8.

ORIGINAL POETRY.

FOR THE OBSERVER.

EVENING.

See, how fast the night approaches,
Day dissolving gives it place;
Time! how fast thy wheels are rolling,
Mark the swiftness of their pace.
Silently the sun's descending—
Loudly howls the angry breeze,
Through the forest—how it whistles,
Mongst the naked, leafless trees.
Not a warbler cheers the woodland;
Not a voice, through all the vale,
Save the lonely, hooting screech-owl,
Sounding loud his piteous tale.
See! the darkness around us gathers;
Yonder clouds seem dyed in dye;
Many a star begins to glisten,
In the blue ethereal sky.
How the scene just now has changed;
Hark! the wind has ceased to blow—
Not a zephyr scarcely breathing,
O'er the cold, white, sparkling snow.
Smiling moon, how bright 't is shining—
Stars unnumbered, glistening shine;
Scarce a cloud, through Heaven appearing—
'T is a prospect gayly fine.
Hark! I hear the sound of music—
'T is the chiming, village bell;
So I'll end my writing shortly,
Wishing morrow may be well.

ORLANDO.

"I am—the bright and morning Star."
REV. 22. 16.

There is a gem of mildest ray,
That lights the wanderer from afar,
And kindles an eternal day;
It is—the bright and morning Star.
And he is safe, whatever betide,
What can his sacred pleasures mar?
Who by the eye of Faith has spied
Jesus—the bright and morning Star.
Should vivid lightnings round him blaze,
And the dark storm of trouble roll;
His eye to Heaven he'll calmly raise,
Fix'd on the magnet of his soul.
Ah! why should man in darkness lie,
Or glide in sin's destructive car?
Alas! he will not turn his eye,
To view the bright and morning Star.
The bright and morning Star, I see,
My trust, my hope, my faithful guide—
O lighten, warm and solace me,
While on the stormy wave I ride.
And when escap'd from every foe,
I land on Canaan's peaceful shore,
O, there I'll hail thy changeless glow,
And with unceasing praise, adore.

L.

THE REPOSITORY.

MRS. RAMSBOTTOM'S COUSIN.

[The following amusing article was written as a satire on the attempts now making in England to give to the lower classes of society, instructions in the higher branches of philosophical education. From the internal evidence afforded by Mr. Benjamin Wilkins' letter, we have ventured to assert his relationship to the RAMSBOTTOMS, whose literary reputation the writer bids fair not to tarnish. The accompanying note to the editor, furnishes an apology for the publication of a private letter.]—Albion.

Sir,—You laughs at the improvement of the Operatives and Assistants—my brother Benjamin, who was quite as ignorant as your humble servant, has only attended Lectures three weeks, and is able to write me the following letter, which I have taken the freedom to send you. If you choose to do justice you will publish it in your paper; for nothing can serve to show better the use of learning, and which will lead me to join him in his pursuit for "mental improvement" after shop hours.—I am, Sir, yours,
TIMOTHY WILKINS.

street, Sept. 1225.

DEAR TIM,—I do not lose a minute in advising you to enter yourself of our institution—it is the only thing to make a man feel that he is a man; and that if he can get learning, he is equal to the greatest in the land. Well, Tim, and we do learn—it is quite surprising the clear view I have got of all the subjects upon which the Doctor has been lecturing.

The first thing which he has taught us is out of the works of Matthew Mattocks—all about comic sections and the projection of the spears, which is just as easy as anything; and yet without it we can do nothing. The Doctor says, a man cannot snuff a candle as it ought to be, who has not read Matthew Mattocks.

If you wanted to draw an angel of forty-five, how would you do it without Matthew Mattocks? If you wanted to make a perpendicular out of an angel of forty-five, you never could do it if you did not understand geometry; for instance, you don't know what a straight line is—nor ever can know—unless you study geometry. A straight line, Tim, is the shortest way from one point to another—like the Quadrant in Regent-street, which is the shortest way from the County Fire Office to the corner of Viro-lane.

You don't know what a right angled triangle is? Not you—how should you? Look up the kitchen chimney, Tim, you see one right opposite the boiler; it is a square thing, and called a right angel triangle, because two of its sides is opposite the high pot in use for keeping the Principal's tea water hot.

What do you think is a ratio of equality?—why that which things of equal size bear to each other—but an inverse ratio is a reason given in poetry; so we say there is neither rhyme nor reason in a thing when it means nothing.

Now you will say, what is the use of comic sections to a linen draper?—stuffy. Tim, the study of comic sections teaches you to remember all the signs wherever you have once been, so that a man once learning them has no occasion to revert to his axes, which means to make any further inquiries.

In comic sections the greater the distance of the folks from the centre, the more comical they are; because it affects their gravity and

they are eccentric—now if a bee gets upon a plain, they call that the He-lips, while the segment of a diameter is called an abcess; so that my uncle George, who is so bad of the liver complaint, may be said to have got the segment of a diameter in his right side.

I cannot in the space of this letter, work out Problems—but this I can tell you I know as a fact—which is, that every great circle which passes through a projecting point, is projected into a straight line passing through the centre of the primitive. The Doctor says this is very useful to be observed in making toast—which by the way, I shall decline doing any more, if any Principal requires it. Thanks to my knowledge, I am resolved never to pass the strait line of his toasting fork through the centre of a primitive muffin again as long as I live.

One problem was given me to work out, which I did in a twinkling—Given C. A. B. to find Q.

Answer—"Take your c a b through Hammersmith, turn to the left just before you get to Brentford, and Kew is right before you."

I have not shown my answer to the Doctor yet, but I know that must be it. There is another writer upon these things, called New Mattocks, who tells you all about air and water—Air, Tim, is very heavy, and not light, as we thought it, which shows that the immortal Kean was wrong when he talked about trilled "light as air." The Doctor has promised me a bladder and a Cymon and a pistol of my own, and when I do my experiments you shall see what a pump really is.

Do you know there is no such thing as blood?—the red stuff in us is all cruor—at least, all the lively part (the serious part is limp); we may therefore kill our enemies without danger—there is no law against shedding cruor.

Little do you think, Tim, of the wonders of the earth—little do you think that primitive trap comes from the Islands of Granite. Micaceous and Salacious are sisters, Tim—and fossils, which I thought were stones, are vegetables. Mercury, who is a god in profane divinity, and is sometimes made into pills, has a great many improper women belonging to him (they call them by the commonest name at lectures) and he finds them all in quicksilver.

This is called Jology—there you will find the toppers with quarts, which is natural; what they drink I can't say, but nothing very good, I suspect, for the Doctor says they are only secondary compounds.

At a place called Tame, in Oxfordshire, is a wild race of people, called Bedlamites; and at Goring another set called Naughtily—onion perhaps, to living too near the colleges there.

Wednesday the Doctor lectured for more than four minutes upon thunder and electricity—he told us how to measure the distance of a storm by means of a second hand watch; so I accordingly sold my own, which was a new one, and bought one second-hand at a pawnbroker's, to try with. The Doctor says, sound travels at the rate of 186786 feet four inches and a quarter in a minute—how he found that out so exactly, he won't tell nobody—but he said if we brought it down into yards first we could easily measure it off into miles, and so ascertain the distance. I know I could do the last if I had time, but how to get the sound down into the yard to measure it I am quite at a loss.

One curious thing about lightning is, that if it strikes bell-wires it turns them into ox hides, which I had no idea of—it also melts money into men's pockets, which is the reason that our Principal's eldest daughter, Julia Maria, always calls a glass of gin a flash of lightning, inasmuch as it melts the drinker's cash. The greatest discovery in electricity was making leaden phials.

I have also heard two lectures on hopsticks, which I thought at first alluded to them shabby gentlefolks who first run up bills and then run away; being driven, as Mr. Lindley Murray, the great bookseller says, from tick and hop; but I find it relates to eyes.

In this art they have two sorts of glasses for drinking out of—one sort is called concave, which is used when you drink in the cellar itself; the other convex, which you get where wine is scarce. The effect of the concave is very curious, for when you have got a glass too much you see double.

Bulfohn who was a great French natural, says he saw green clouds in the sky, and a gentleman of the name of Shiner, wrote a book about the Sun. The Doctor said we should devote a good deal of our time to digesting Bacon; so I ordered six pounds out of the middle, though I cannot see what that has to do with it. I know it is to be cooked, for after the Doctor had spoken about the Fryer, he said he preferred Bacon to Boyle.

The Doctor talked of the family of the Lenses—he says there are nine of them left, but I am afraid they have not had the advantages of education, for he told us they wanted a great deal of polishing—he also paid a handsome compliment to poor Emery, which pleased me very much.

I have dabbled a little in Astrology—Satan has got a ring, and Jupiter wears a belt—we can see him out of the garret window of the Institution so plain as to see black spots on his desk, which is doubtless ink. Whenever he gets too proud there is a revolution, in which they take away three of his moons—and very proper too—why should moonshine be wasted? Venus, which is the goddess of beauty, has several spots about her, and revolves upon her axes. I wonder she does not hurt herself in turning about upon such sharp things, particularly as she has got no drapery.

We are to have a lecture on the Bell-letters to-morrow, which I believe relates to some new regulation of Mr. Freezing for collecting them a little earlier in the evening from the General Postmen.—Hornithology is to teach us

the nature of large cattle—Acowsticks will enable us to detect adultery in milk—Gastronomy will assist in lighting up our show rooms economically, and Helminthology make us dabs at steering the Hucksback cutter through Chelsea reach—O-he-ology, to which the Doctor alluded last night, I will have nothing to do with, for Julia Maria's sake.

But my dear Tim, beside all these, the Doctor tells us that up in the celestials there are bears, and bulls, and birds, and virgins, and rams, and fish, and scales, and goats, and archers, foxes, and geese, and lizards, and peacocks' tails, and a lady in a chair, and I don't know what, which he says form a great many constellations, which I do not wonder at; he says also, that the sun is ninety-four millions nine hundred and ninety-eight miles and three quarters' from town; he did not tell us whether from Hyde-Park corner End or Whitechapel; but that would not make more than five miles difference at any rate. Only think, Tim; that's forty-seven million times as far as from our house to the Yorkshire Stingo.

Next week the Doctor is going to give a lecture on Theology and Politics which as yet we was not numerous enough to hear. You may rely on my giving you an account how I get on. Meanwhile I shall look out to better myself, as I have no notion of shutting up shop of an evening for a Principal who does not know the difference between Perrygee and an Apogee. Yours, truly,
BENJAMINE WILKINS.

Obituary.

DIED.—In Lincolnville, (Me.) Hon. George Ulmer, aged 70 years, a revolutionary soldier, and formerly a Senator in the Legislature of Massachusetts, Major General of the 6th division of the Militia, and Sheriff of Hancock County, also a Senator in the first Legislature of this State.

In Newton, James Smith Lovell, Esq. aged 63, the eldest and only surviving son of the Hon. James Lovell, deceased.

In Ipswich, 12th ult. Mr. Richard Sutton, aged 89, the day he died. He was in the French war under Gen. Braddock—he was at the taking of Quebec in 1759—in 1776 he volunteered as an officer under Col. Pickering—and in '77 he returned to Ipswich, his native town, where he lived a long life, much respected. He has left a widow, 4 children, 53 grandchildren, and 43 of the fourth generation.

In Londonderry, (N. H.) Nov. 30, in the 96th year of his age, Hon. John Bell—a man distinguished by an intuitive soundness of judgment, great decision of character, and inflexible integrity. He was a leading member of the New-Hampshire Legislature from the commencement to the close of the Revolutionary War, and after the establishment of the State Constitution a member of the Senate and the House of Representatives for many years, and until he declined public employment. Few men have possessed so entirely through a long life, the confidence and esteem of the whole circle of their acquaintance. He was from an early age, a professor of the Christian religion, and exemplified in his conduct the purity of its doctrines. He was father to the late Governor of this State and the present Sheriff of Rockingham.

N. H. Patriot.

EXTRAORDINARY LONGEVITY. A Surgeon named Pulo Timan, who resided in the little village of Vendemont, in Loraine, died lately, at the age of 140. This man never left his native place. The day before his death he performed on a female, with a steady hand and with professional dexterity, the operation of cutting for the cancer. He was never married, was never bled, never underwent any course of medicine, having had no occasion for it, as he was never ill, though he passed not a day without getting tipsy at supper, a meal which he indulged in to the very last.

DREADFUL ACCIDENT ON THE DOURO.

Oporto, October 10.

Yesterday afternoon, between four and five o'clock, a fatal accident occurred at Carvalino, on the river Douro.

There is at this place (Carvalino) which is at the foot of the high and steep mountain of Fontainhas, a most delightful stream or fountain, and near it stone benches, where numbers of persons are used to sit down to refresh themselves; before it, is a pond in which the inhabitants wash their linen. Over this agreeable spot, was a large rock projecting beyond the mountain, but as it was supposed sufficiently fixed, no fears were entertained that it could fall. Unhappily, however, when a great number of persons of both sexes were on the spot, some seated, some in conversation and walking, as well as some women washing linen, the rock fell, bringing with it a large portion of the mountain, and covered, with its enormous weight, all the persons who were there; among them were four daughters of one family. Besides those buried under the rock, others were drowned in the Douro in their attempts to fly from this scene of horror.

The noise of the tremendous fall of rocks was heard on both banks of the river, and the cries of some of the unhappy victims drew together an immense concourse of people, who were petrified with astonishment at the sight of so lamentable a catastrophe.—Some had their heads only still free, some to the middle of the body, of others, the legs and arms were visible. Every effort was made to save those who were in this state, but in vain: none were got out alive. By seven o'clock, seven or eight bodies were got out, and as further efforts to save any of the victims could be of no avail, the further examination of the result of the disaster was deferred till to-day.

It was a most afflicting scene; women inquiring for their husbands, men for their wives, parents for their children, some of whom had to perform the melancholy duty of conveying home the corpses of those who were dear to them.

It was not an earthquake, as some thought, but the natural gravity of the rock, which caused the disaster. It is supposed that the rock and part of the mountain which has fallen would make more than 1000 wagon loads, each 50 arrobas (16 cwt.)

Varieties.

BLIND-MAN'S DEFF. The following trick was lately practised in a country town, and has afforded considerable diversion to the lovers of fun. Two persons, possessed of more wit than money, and more impudence than either, entered a decent public house, and ordered a good dinner.—After having fared most sumptuously, and regaled themselves with the best beverage the cellar afforded, they began to amuse themselves with the game of blind-man's bluff, in which they were at length joined by the landlord, whose turn to be blindfolded came in due time, when his guests, having effectually bound the handkerchief over his eyes, quietly walked off, leaving their host so much diverted by the game, that some time elapsed before he discovered his play-mates were gone, and that he was blind enough without the help of a bandage!

Near Berlin, a soldier, distracted by rejected love, attempted to drown himself—but at the moment of perishing was saved, and afterwards put under guard to prevent his completing his intention; but he, in a short time, escaped, and ran towards the river. A comrade pursued him, but found himself distanced, called to the unfortunate, and then threatened to shoot him if he did not return; the man immediately fled to the right about, the fear of being killed over-coming the desire of being drowned.

A Southern Judge, some years ago, in his charge to a Grand Jury, denounced duelling in terms so severe, that they presented two men, one for giving and the other for receiving a challenge. The Magistrate caused both of the parties to be arrested, and enforced the law so rigidly, that both parties, after the rising of the Court, challenged him. To round the circle of absurdity, the Judge accepted the challenge, fought and wounded them both.

A fat puffy gentleman went to a barber's shop to get shaved, and unhappily got asleep with his head leaning upon his breast, whilst the barber was fixing his razor; who, being rather absent, mistook the top of his head, which was rather bald, for his face, and lathered him from eyebrows to neck, and shaved off all his "scattered locks," which he had long preserved with much care. In the twinkling of an eye, he was as bald as when he came into this wicked world. The clumsy attempts of the barber to get hold of his nose which he missed from its usual place awoke him, and he—"cleared out like a white-head."

An Irishman was asked, how do you call potatoes in Ireland? Faith, says he, we don't call 'em at all, for when we want 'em we go get 'em.

J. HASKELL,

Middle-street, (two doors from Exchange-street.)

PORTLAND.

HAS just received a Large Stock of GOODS in his line:—AMONG THEM ARE—

Colored and Natural

Fur and Hair Seal CAPS.

NUTRIA & CLOTH CAPS.

Ladies' Beaver Bonnets.

White, Black, Drab and Fancy

OSTRICH FEATHERS.

OSTRICH AND FUR TRIMMING.

SEAL COLLARS.

Seal Gloves and Moccasins.

SEMPER, FINE AND LOW PRICES.

HATS.

Also—A few Bales

BUFFALO ROBES.

The above are of superior quality and are offered VERY LOW.

Nov. 22.—2m 74

HOUSE & LAND

FOR SALE.

THE subscriber offers for sale the Stand which he now occupies—consisting of a good two-story DWELLING-HOUSE, well finished, and in good repair—containing four Rooms on the floor, four Chambers, and a good Cellar. A Wood-Store, Barn, and a two-story STORE, all finished. A good rain-water Cistern, and a Well of water under cover. Three fourths of an acre of LAND, including a Garden, &c. Also, the West part of Lot numbered 15, in the 6th Range of lots in Paris, containing fifty-four acres, well watered in, and is excellent grass and tillage land.

Also, seven small Lots of LAND—containing from ten to twenty-one acres each—a part of which is as good and well wooded as any in town, the other, is good pasture and tillage land, and is well fenced on the road. Said Land is a part of Lot numbered 11, in the Fourth Range of Lots in Paris.

Like-wise, one and a fourth acre of LAND, situated about three fourths of a mile from the Court-House in Paris, on which is an excellent stream of water, with a good fall, which, with a very little expense, might be converted into one of the best situations for a tanner, in the County.

The above property will be sold either together or separately, as will best suit the purchaser, and on terms which cannot fail to please. For further information, please call on the subscriber.

A plan of the above property may be seen by calling on ASA BARTON, Esq. at the Oxford Bookstore, Dec. 20.

RUSSELL HULBARD.

u 77

MAINE

FARMERS' ALMANACK

for 1826,

FOR SALE at the OXFORD LOCKSTORE, by the gross, dozen or single, on the best terms.

Sold also—By Messrs. Morse & Hall, Maj. J. P. Bennett, Lt. Ebenezer Drake, Jr., J. J. Shaw, Esq. Capt. Alfred Andrews, and Thomas Crocker, Esq. Also—John Loring, Esq., Zedekiah Long, Nathan Atwood, and Nathaniel Harlow, Esq., Buckfield—John R. Paine, Esq., Woodstock—Moses Bartlett, Fitchell—Messrs. Crocker & Crocker, Rumford—Lt. Ichabod Partridge, Norway—Cyrus Shaw, Esq., Hebron—and by Traders generally.

Dec. 20.

PRINTED BY

IS PUBLISHED EVERY THURSDAY MORNING BY

ASA BARTON,

For the Proprietors, at two dollars per annum, payable semi-annually.

No paper discontinued, until all arrears are paid, but at the option of the publisher.

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* All letters, addressed to the publisher, must be Post Paid.